

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER NO. 213 OF 1998

WITH

CIVIL REVISION APPLICATION No 573 of 1998

AND

CIVIL APPLICATION NO. 4318/98

AND

CIVIL APPLICATION NO.6527/98

Hitendra B.Modi and ors.....Appellants

Versus

Rameshbhai Babubhai Dalasiya and ors..Respondents

Coram:K.R.Vyas,J

4-8-98.

Oral Order:

Having heard the learned Advocates appearing for the respective parties at length, during the course of hearing of these Civil Revision Application and Appeal From Order, the following consensus was arrived at between the parties and have requested to pass orders in terms thereof;

- 1 It will be open for the respondents to complete the construction which is in progress. However, it is agreed that the said construction shall be subject to the result of the suit and the respondents will not claim any equity in case they fail in the suit.
- 2 It is agreed that the respondents, after completion of the building in question will not induct and/or give possession of the suit flats to their members without obtaining permission from the trial Court . As and when the respondents will apply for permission, the trial Court shall pass appropriate orders after hearing the parties.
- 3 Both the Civil Suits being Regular Civil Suit No.46 of 1997 and Special Civil Suit No.52 of 1998 shall be heard together by the learned Civil Judge (S.D.), Bharuch who will decide the same as

expeditiously as possible and preferably within eight months from the date of receipt of the order of this Court.

4 The learned Advocates appearing before the parties have assured that they will give their fullest co-operation in the disposal of the said suits and will not ask for any unnecessary adjournment.

These Civil Revision Application and the Appeal From Order are disposed of in terms of the aforesaid orders .Notice in both the matters discharged. Interim relief stands vacated subject to the aforesaid orders.

In view of the aforesaid orders , notice is discharged in C.A.No.4318/98. Ad-interim relief stands vacated. In view of the above, C.A.6527/98 does not survive and it stands disposed of accordingly.

acn (K.R.Vyas,J)